

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re BAYCOL PRODUCTS LITIGATION

MDL NO. 1431
(MJD/SRN)

This Document Relates to:

ORDER

Larry Barkley, et al., v. Bayer Corp., et al.
(Plaintiff Wayne Franklin only)

Case No. 03-4699

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated April 25, 2007. Plaintiff has objected to the Report and Recommendation, and Defendant has responded to said objection.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendant Bayer Corporation's Motion for Discovery Sanctions against Plaintiff Wayne Franklin [Doc. No. 21] is GRANTED;
2. Plaintiff Wayne Franklin's action is DISMISSED WITH PREJUDICE; and
3. Plaintiff's counsel is required to pay the sum of \$95.00 to Bayer Corporation within 10 days of the District Court's Order.

DATED: August 3, 2007.

s / Michael J. Davis
Judge Michael J. Davis
United States District Court Judge